G. R. S. 59] GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

1902.
(P 1 7)

P. 30

File No. 1—02

Serial Nos. 7 & 11

~~Papers Filed.~~

Month ~~of~~ January 1903.

SUBJECT.

Memorial from prisoners Linga & Kalach against the orders passed by the Chief Comm

PREVIOUS REFERENCES.	LATER REFERENCES.
	Indexed. N. B. Thammanna. Communicated

1. Names of Memorialists. [illegible] Prisoners

SECTION 174
FILE No. 1-12
SER VI No.

(1) Lingi

(2) Malachari.

2. No. of case. Mysore Sessions Case No.28 of 1901-02 and Criminal Appeal Case Referred case No.326 of 1902-03 on the file of No.1 of 1902-03 / the Chief Court.

3. Court which tried it. District and ~~Sessions~~ Sessions Court of the Mysore Division.

4. Nature of sentence originally passed and confirmed or altered in appeal. Sentenced to death by the Sessions Court, and this sentence was confirmed by the Chief Court, the appoal of the prisoners having been dismissed.

5. Date of sentence. 29th September 1902.

The facts of the case are as fol-lows:-

One Manchachari of Maderhalli village, in the Malavalli Taluk, died at cock-crow on the 13th April last, under suspicious circumstances. The patel of the village re-ported the occurrence to the Police Inspector, who arrived at the scene of the occurrence on the morning of the 14th idem and held an inquest. He came to know from the confession of the accused Lingi, that the deceased had vomitted and purged 2 or 3 times by eating rice

i-

^ wife Memorialist

in which poison (arsenic) had been mixed, and had died from the effects of the poi-son, and that the poison had been adminis-tered to the deceased by his wife Lingi (the 1st Memorialist), at the instigation of her paramour, Kalachari, (the 2nd Memorialist) and another, Malli. The Inspect-or searched the houses of both the accused persons and secured the vomited and purged matter; ~~in Lingi's house~~ also a piece of paper found in Lingi's house, in which arsenic was said to have been wrapped up, and a whitish crystalline substance found tied up in a piece of cloth in Kalacha-ri's house. All the above were sent to the Chemical Examiner who detected arse-nic in them.

The 1st accused Lingi confessed before the Amildar Magistrate of Mandya and the Committing Magistrate, that she had caused the death of her husband Manchachari, by putting arsenic into his food, and that she did so at the instigation of her pa-ramour, Kalachari, who procured the arse-nic from the shop of one Narappa on the 10th April 1902 and gave it to her in or-der that she might administer it to the deceased. The 2nd accused, Kalachari al-so corroborated the above statement. But both the accused retracted their confes-sions before the court of Session. The Shop-keeper Naranappa, 11th witness for prosecution, stated that he sold one tola of arsenic to the accused Kalachari on the 10th April and his evidence corroborated

by

P&J. 1-02 3

by that of Muddalingachari, 9th witness for the prosecution, who had accompanied the 2nd accused Kalachari to Naranappa's shop. Arsenic was detected by the Chemical Examiner not only in the viscera of the deceased, but also in the purged and vomited matter. The 1st and 2nd witnesses for the prosecution speak to their having seen the deceased seized with purging and vomitting on the 12th April and his death on the night of the same day.

Upon the above facts, the Sessions Judge agreeing with the assessors found both the accused guilty, the one of murder and the other of abetment of murder and sentenced them to death. The above sentence was confirmed by the Chief Court. It was further directed by the Chief Court that if it was a fact that 1st appellant (Lingi) was pregnant, as alleged in her memorandum of appeal, the execution of the sentence of death as regards her must be postponed and the fact reported to the Chief Court with reference to section 382 of the Code of Criminal Procedure.

No official report has been made on this point (see below, Lingi's assertion).

The 1st Memorialist Lingi now states: (1) that the sentence of death passed on her is too severe, as nobody ever saw her actually administering poison and (2) that she was prematurely delivered in the Mysore Jail of a female child, which died of general debility

prays

prays that her sentence may at least be commuted to one of transportation for life if there are no grounds for her being par-doned.

The 2nd Memorialist Kalachari states that the capital sentence passed on him is too severe, and prays that the sentence may be set aside, a sentence of 20 years imprisonment being passed instead, to enable him to reform.

Submitted for orders.

20.11.02

20/11/02

The woman is 29 years old, & the paramour 25 ~~Rs~~ ~~years~~ years or so.)

23

20/11

To the 2nd Councillor.

J.67
20-11-02

Va case for interference has been made out. The case is a clear one. I beg to recommend that the Memorials be rejected.

21-11-02

To the Dewan.

7403
dd 21.11.02

20/11

20.11.02

P & J. 1-02

GOVERNMENT PRESS

8568

This is an ordinary case of poisoning
the two memorialists have been con-
victed of murder and sentenced
to death. There is clear and reliable
evidence to support the conviction
The deceased was the husband
of Lucie one of the memorialists -
Mullee an elderly woman who
was acquitted by the S. Judge thought
about an undue intimacy between
the 1st and 2nd memorialists and
this relation lasted for about 3 years.
The young ~~xxxx~~ woman - the first
accused whose age is given as 22
was detected in her unfaithful con-
duct and quarels ensued between
her other husband - ~~xxx~~ In such
situation she was prevailed upon
to mix arsenic in the food of her
husband and death resulted.

As far as the second memo
rialist (Kallachari) is concerned
there is no extenuating circum-
stance whatever although he appears
also to be a young man of 25 Years
Not only did he seduce the unfortu-
nate wife of the deceased, but in-
duced and helped her to kill her
husband - The sentence is quite
in accordance with law and there

6

is no ground for any interference.

But I am not so positive about the young woman - She is only 22 and was acting under the bad influence and advice of Muddu and her paramour - whether combined perhaps with weak nature her youth and inexperience are such features in the case as would warrant the commutation of sentence to one of imprisonment is a point which in my opinion deserves very careful consideration and I would send back the record to the II Jt. Councillor to consider the case by the light of these remarks - I would also be glad if the 1st Councillor will record his opinion for submission to His Highness -

25.XI.02

2d Jt. Councillor

26/11

Thanks. Please see, typed note attached - Seshaiyangar 27-11-02

To the 1st Councillor.

~~To the Dewan~~

28/11

I am sorry I also can see no extenuating circumstances in the case which would justify a recommendation for mercy. I would respectfully recommend the appeal to His Highness being rejected 28.11.02 H Madhava Rao

To the Dewan.

30/11

7617 D
30.11.02

P. 76
26-11-02

P. 28/11/02
mgh
727

Rec'd 1-12-02

P+J. 1-02

Note.

There can be no doubt that Manchachari died of arsenical poisoning. There can further be no doubt that the poison was administered by his wife Lingi the 1st. Memorialist at the instigation of her paramour Kalachari the 2nd. Memorialist. That being so, the acquittal for want of sufficient evidence of a third person (a woman) who had presumably been instrumental in bringing about improper relations between the 1st. and 2nd. Memorialists, ought not, in my humble opinion, to stand in the way of the 1st. Memorialist being dealt with in accordance with law. The case is a clear one and neither sex nor age seems to justify any leniency being shewn to the 1st. Memorialist Lingi. So long as capital punishment remains on our Statute Book, no distinction between males and females seems permissible except in very special cases. Here is a woman who has a paramour on whose account she deliberately poisoned and killed her husband. She is 22 years old. The Sessions Judge sentenced her to the extreme penalty of law and the Chief Court after careful consideration upheld the sentence. Is it right that

R+J. 1-02 &

that the Sovereign should in a clear case like this interfere in exercise of his prerogative of mercy ? I respectfully submit not. Such interference is advisable only in exceptional cases of which, in my humble judgment, this is not one. The age of 22 for a woman in India is not an immature one. The "bad influence and advice" of another woman is no extenuation in a case of this kind.

Neither the Assessors nor the Judge nor the Chief Court have recommended that any leniency be shewn to the 1st. Memorialist Lingi. I beg to suggest that the Memorial be rejected. If however any doubt is entertained, the Chief Court's opinion may be invited under para 2 of Section 401 of the Code of Criminal Procedure.

Bangalore,)
27/11/02.)

C. Venkatasubba

Hy 2/12

9075

. Send them papers to the Chief Judge demi-officially and ask him to favour us with his views. He was one of the Judges who confirmed the sentence.

2.XII 02

Q. Mr Ramachandra Iyer says: "The evidence does not point to any extenuating circumstances. It is the case of a profligate young woman of about 22 years of age conspiring with her paramour to kill her husband." The Chief Justice also forwards Mr Beck's opinion that he sees no extenuating circumstances.

Vide his D.O. of 5.12.02, ante.

5.12.02

To the Diwan.

Rec'd.
5.12.02
7 P.M.

Submitted. As I am
the Maharaja. I recommend
that the memorial may
under the circumstances be rejected.

7.XII.02

P & J. 6 of 2 — 2nd Dec.r 1902

10

My dear Mr. Ramachandra Dravid,

I am desired by the Devan to send you the accompanying papers relating to a memorial preferred by prisoners Luigi and Kalachari who were convicted of murder & abetment of murder and sentenced to death in Bijne Kesava Case no 25 of 1901-02, which sentence was confirmed by the Chief Court & I am to request you to kindly favour Govt. with your opinion as to whether there are any extenuating circumstances, so far as the girl Luigi is concerned, such as may be held to warrant the commutation of the sentence passed on her to one of transportation for life severity.

I am, My dear Sir,
Yours sincerely,

2-12-02

Dewan Bahadur R. Ramachandra Rao, Chief Judge of the Chief Court.

This need not be sent to the Dewan. So K

K wishes the note by the Dewan Chamberlain. K

Submit to Her Highness with fair copy. K 2-12-02

GOVERNMENT HOUSE

5th December 1902

Sir

I am directed by the Chief Judge to return herewith the record in the case of Dingi and Kalashani received with your D.O. of the 3rd instant.

I have the honour to be
Sir
Your most obedient
humble servant
[illegible]

H. V. Mayendanyo Esq
Secy to Govt Natal & Zulu Affairs

12th
5th December 1902

4

My dear Mr Nanjundiah.

I have received your demi-official letter dated 3rd Inst. I have been asked as to whether there are any extenuating circumstances, so far as the girl Linji is concerned such as may be held to warrant the Commutation of the sentence

13

of death passed on her. The evidence does not point to any extenuating circumstances. It is the case of a profligate young woman of about 22 years of age conspiring with her paramour to kill her husband. I enclose Mr Justice Best's opinion on the point.

I remain,
yours very truly
A Ramachandra Iyer

Dear Mr. Ramachandra,

The question rec-
eived by the Dewan is
"whether there are any
extenuating circum-
stances?"

I see none

Yrs truly
J. B. Beck

4 Dec. 1902

15

G. R. S. 12]

General and Revenue Secretariat. | P+J. File No. 1 of 1902-03

Serial No.

Mr Ramachandra Iyer says: "The evidence does not point to any extenuating circumstances. It is the case of a profligate young woman of about 22 years of age conspiring with her paramour to kill her husband." The chief judge also forwards Mr Best's opinion that he sees no extenuating circumstances.

(Intd.) K.S.C. 5/12/0
" A.V.N.

To the Diwan,

Submitted to His Highness the Maharaja. I recommend that the memorial may, under the circumstances, be rejected.

(Intd.) A.N.R.
7/12/02

See page 9.

Vide his D.O. 5/12/02 and its enclos: (Orig) K.S.C.

Note the original blank

NOTE—Contn. sheet.

P & J

274

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

Memorial of Luigi and Kalachari, prisoners under sentence of death –

Order.

I can find no grounds for interference. The appeal is rejected.

memorial?

316

15/12/02

9389

Order communicated 17.XII.02

18/12

draft and fair copy submitted 18/12/02

To / Branch III 22/12/02

Put up draft & fair copy in the usual form. (In "appeal" substitute "memorial.")

22/12/02

(General Serial No. 30.)

Ser. P17 From

FILE No. 102

Ser. 7 To

547 ~~189~~ 1902-03

2633.

The Registrar of the
Chief Court, Mysore

The Secretary to the
Govt of Mysore

Dated 14-Dec-02

Despatched 15-

Received

Enclosures No. 3 Records

General No. 2952

No. 106

Forwards two memorials addressed to H.H. the Maharaja of Mysore by Linga & Kalachar accused in ~~[redacted]~~ Lepers case No. 28 of 1901-02 on the file of the Lepers Judge Mysore —

Jud
1911

Note filed

14/1

N 2962/106 In 34 Nos

2

GOVERNMENT OF MYSORE

Bangalore 14th November 1902.

From,

V. A. Rajaratna Mudaliar Esquire.,
Registrar, Chief Court of Mysore.

To,

H. V. Nanjundayya Esq., M.A., B.L.,
Secretary to the Government of Mysore,
General and Revenue Departments.

Sir

I am directed to forward two memorials addressed to His Highness the Maharajah of Mysore by Luigi and Kalachari, accused in Sessions Case No. 28 of 1901-2 on the file of the Sessions Judge, Mysore, and appellants in Criminal appeal / Criminal Refered Case No: 326 of 1901-2 / No: 1 of 1902-3 on the file of this Court.

2. The Inspector-General of Prisons through whom the memorials were received

B

received has been directed to suspend the sentence of death passed on the Memorialists pending disposal of their Memorials and the Sessions Judge has been informed of the same-

3. The entire record of the case is herewith forwarded-

I have the honor to be,

Sir,

Your most obedient Servant,

A Rajathat Rahmud

Registrar

Encs

To,

Exa. to Sl.

His Highness Maharaja Sree Krishna Raja
Wodayar Bahadur Maharaja
of Ellpore.

The Humble memorial of Prisoner
No 6053 Lingee (female) Condemned to death
by the Sessions Judge of Ellpore in
Mepore Sessions Case No 28 of 1901-02 and
which Sentence was confirmed by the
Hig Court of Ellpore in Criminal Appeal
No 326 of 1901-02.

The memorialist prays

(1) That the Sentence of death passed
on her is too severe in the absence of
Conclusive proof of the Commission of guilt.
Nobody ever saw her actually administering
poison.

(2) That she was prematurely delivered
in the Mepore Jail of a female child, a
couple of weeks ago and the child died

of general debility. The grief owing to the loss of the child is still telling upon her and the knowledge of her approaching death is a torture to her.

(3) That she prays under the circumstances that her sentence may at least be commuted to one of Transportation for life if there are no grounds for her being pardoned.

o Lingis mark.
Memorialist.

T. J. Adyantaiai
Superintendent
Cuddapah Jail
10/11/02

To

His Highness Maharaja Sri
Krishna Raja Wodayar Bahadur
Maharaja of Mysore.

The Humble memorial of Prisoner No: 6054 Kalachary, Condemned to death by the Sessions Judge of Mysore in Dowpoore Sessions Case No: 28 of 1901-02, and which Sentence was, confirmed by the Chief Court of Mysore in criminal appeal No: 326 of 1901-02.

The memorialist prays, as follows:—
That, at this Stage of the State of affairs Viz: when the Chief Court has, Confirmed the finding and Sentence of the Lower Court, there is very little use in Substantiating his innocence of the crime. There is ample difference in the natures of men who butcher men in cold blood and who face their antagonists with a Sword in hand. Even Supposing that he, the memorialist, was auxiliary to the administering of poison

to the deceased, a Capital Sentence is too severe a one to be inflicted on him. The Memorialist therefore prays that the Sentence of death may be kindly set aside and his life may be spared at least to enable him to reform. A Sentence of 20 years imprisonment will no doubt teach the Memorialist the required lesson. If life, so dear to one, is taken away where then is he to learn the bitter experience of the effects of a guilty Conscience?

Memorialist

C. V. Chakravarti

Superintendent
Mysore Jail
10/11/02

GOVERNMENT OF MYSORE

In the Chief Court of Mysore at Bangalore.

Monday, the 29th day of September 1902

Present

Mr: Justice J. W. Best, Chief Judge,

and

Mr: Justice A. Ramachandra Iyer,
Dewan Bahadur.

In the matter of Criminal Referred

Appeal No: 326 of 1902-3,
Case No: 1 of 1902-3
against the conviction
and sentence by the
Sessions Judge, Mysore
under Sections 302 and
109 of the Penal Code,
in Sessions Case No: 28
of 1902-3.

Appellants

1. Lingi
2 Malachary
(accused 1 and 2)

Judgment.

The two appellants have been found guilty of murdering one Manchachari (husband of the 1st appellant, Lingi) and sentenced to death under Section 302 of the Penal Code.

The 1st and 2nd witnesses for prosecution

9

prosecution have spoken to the fact of the deceased having been seized with purging and vomiting on Saturday 12th April, and to his death on the night of that same day - 1st witness Channabhan, stated that on his return home after finishing his day's work, he saw the deceased vomiting and asked him what was the matter, to which deceased replied that since eating his food at noon he had vomited several times and that his stomach was burning and he had a feeling of pressure on his chest. At cock-crow witness heard 1st accused Lingi beating her mouth and saying her husband was dead. 2nd witness Kenchi also speaks to the fact of the deceased Manchachari having vomited on the night on which he died.

5th witness, Hospital Assistant Gundappa, has stated that he held post mortem examination on the body of the deceased Manchachari and found the stomach inflamed with some whitish fluid matter in it mixed with food,

and

and the large intestines highly congested and the small ones slightly so. From these symptoms he suspected the deceased might have been poisoned and therefore sent the stomach and its contents, and also portions of the Livers and the Intestines, to the Chemical Examiner from whom, in reply, he received the report filed as Exhibit F, which states that Arsenic was detected in the viscera etc.

There is then no room for doubt as to the deceased having met his death by poisoning. The question is was the poison administered by these appellants either or both.

The principal evidence against them is contained in their own confessions made at first before Mr: Chotikanna, 1st Class Magistrate on 19th April last. Exhibits K and L, and again before the Committing Magistrate (Mr: P. Srinivasa Rao) on 2nd May - Exhibits M and N. In K, 1st appellant has stated that 2nd appellant was keeping her for

the

the last three years, that her husband had threatened to murder them: and on the Saturday, 2nd appellant and one Malli (who was 3rd accused in the case, but has been acquitted for want of evidence against her) brought a paper packet and gave it to her, telling her to mix it with rice: that she did so: that her husband vomitted and purged as soon as he ate it, and died that night at cock-crow. To the same effect is the statement made by her before the committing Magistrate (Exhibit Z); and from this it is clear that it was in the afternoon that the poisoned food was given to the deceased. Exhibits M and N, by 2nd appellant, are to the same effect. At the trial before the Sessions Court both the appellants retracted the above confessions and pleaded (as usual) that they were made under Police tuition and torture. There is

however

however, reason to believe that the confessions are true.

In the confessional statements of both the appellants it is said that on 1st appellant telling Malli that the former's husband was arranging another marriage for himself, and that all the property would go to the other wife, Malli advised 1st appellant to give to the 2nd appellant the Gundumasara which 1st appellant had kept in a box in the loft, and according-ly 2nd appellant and Malli came to her house on Sunday night, when the Gundumasara and Rs: 9 were taken out of the box and given by 1st appellant to 2nd. On the night of the following day (Monday), 2nd appellant came to this house and removed some tiles from the roof. On Tuesday evening the de-ceased returned home and suspecting the 1st appellant beat her, on the next day (Wednesday) 1st appellant informed 2nd appellant and Malli that 1st appellant's husband

husband had threatened to beat and kill her and 2nd appellant, whereupon Malli advised 1st appellant to kill her husband by giving him poison and told 2nd appellant to get the poison. On Friday there was a Panchayat, at which Malli intervened and advised the deceased to take 1st appellant home, Malli undertaking to see that the lost property will be restored. On the next day (Saturday) the poison was brought by 2nd appellant and Malli and given to 1st appellant, who put it in her husband's food.

2nd appellant has stated that he got the poison on Thursday from the shop of one Narainappa, at Mandya. This Narainappa has been examined as 11th witness and also deposes to the fact. As also does the 9th witness, Muddulinga Chari, who happened to be present at the time.

Moreover

Moreover, as appears from the evi-
-dence of the Patel and Inspector of Police,
4th and 6th witnesses for prosecution, a lump
of arsenic was found in the 2nd appellant's
house on it's being searched on the 14th April
(the day on which Mancha Chari died). This
is, no doubt, not consistent with the
2nd appellant's statement in N, at the
end of which he says he gave to 1st ap-
-pellant the whole of the poison which he
had brought from the shop, and was un-
-able to say where the poison found in his
house was got from. But as is seen from
the evidence of the Hospital assistant (5th
witness), 10 grains of arsenic would kill
a man in half an hour; and the quantity
sold to 2nd appellant by the 11th witness
was one tola = 180 grains. As appears
from the evidence of 9th and 11th witnesses,
arsenic is used by goldsmiths for
purposes of their business. Consequently
this purchase of arsenic by 2nd appellant
raised no suspicion, as he is a gold-
-smith.

From the evidence of the Patel (4th witness)

it

15

It is seen that 1st appellant confessed to him, before the Police arrived on the scene, that she had put into her husband's food poison that had been given to her by 2nd appellant and Milli.

Seeing no reason to doubt the correctness of the Judge's finding that Manchachari's death was caused by poison administered to him by his wife the 1st appellant Lingi, and that the same was supplied to Lingi, for the purpose for which it was used, by her paramour the 2nd appellant — Kalachari, we dismiss the appeal and confirm the sentence of death passed on both appellants.

If it is a fact that 1st appellant is pregnant, as alleged in her Memorandum of appeal, the execution of the sentence of death as regards her must be postponed and the fact reported to this Court with reference to Section 382 of the Code of Criminal Procedure.

A true Copy

Registrar.

him

OFFICE OF THE ~~GOVERNMENT~~ OF MYSORE.

No. J/1016 Ex. I + Record

Dated Bangalore, 9th January 1903.

SECTION J. Dept. G.

FILE No. 1-1502

From

The ~~General~~ Secretary to the Government of Mysore, No. XE 11 General and Judicial Departments

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoners Linga and Kalachari, undergoing sentence of death in the Mysore Jail, copy of order passed by H. H. the Maharaja ~~Regent~~ of Mysore, on the prisoner's memorial, dated the 10th November 1902

2. The entire records received with your letter No. 2952-1016 dated the 14th November 1902 are herewith returned.

I have the honor to be,

SIR,

Your most obedient servant,

9/1-03

for ~~General~~ Secretary.

17

In the Matter of the Memorials of

Lingi and Kalachari, prisoners in Mysore Sessions Case No. 28 of 1901-'02 and Criminal appeal case No 326 / Referred case No. 1 of 1902-'03 / of 1902-'03, on the file of the Chief Court, praying that the Sentence of death passed on them may be set aside or commuted to one of transportation for life.—

His Highness the Maharaja

has been pleased to pass the following

Order.

"I can find no grounds for interference. The Memorial is rejected."

Dewan of Mysore

Draft & fair copy below
RC
22/12.
22-12-02

Submit to Dewan—registered
without the record
22/12/02

Recd from Delhi on 9/1/03
To J Branch for issue
9/1/03
9-1-03